

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN ASSEMBLY MAY 12, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 996

**Introduced by Assembly Member Wiggins
(Coauthors: Assembly Members Diaz, Chan, Chavez, Koretz,
Lieber, and Richman)**

February 20, 2003

An act to amend Section 676.10 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Wiggins. Insurance.

Existing law provides that a commercial property insurance policy, if the insured is a religious, educational, or other nonprofit organization that is organized and operated for religious, charitable, or educational purposes, as specified, may not be canceled, nor may the insurer refuse to renew the policy, because a claim was made against the policy in the preceding 60 months for a loss that was the result of a hate crime, as defined, committed against the person or property of the insured. *Existing law requires an insurer to report a cancellation or nonrenewal to the Insurance Commissioner if the insured has submitted a claim that is the result of a hate crime.*

In addition, this bill would provide that a premium shall not be excessive or unfairly discriminatory on that basis. This bill would provide that these provisions would also apply to a reproductive health

services facility or its administrative offices, *and would add a claim due to an anti-reproductive-rights crime, as defined, to the claims that may not serve as the basis for a cancellation or nonrenewal.* ~~This bill would also expand the definition of hate crime to which these insurance-related provisions apply to include forceful intervention in the free exercise or enjoyment of any constitutional right or privilege because the person is an employee, contractor, volunteer, patient, or is otherwise affiliated with a reproductive health services facility.~~ *It would require an insurer to report a cancellation or nonrenewal to the commissioner if the insured has submitted a claim that is the result of an anti-reproductive-rights crime.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 676.10 of the Insurance Code is
2 amended to read:
3 676.10. (a) This section applies to policies covered by
4 Section 675, 675.5, or 676.5 if the insured is a religious
5 organization described in clause (i) of subparagraph (A) of
6 paragraph (1) of subsection (b) of Section 170 of Title 26 of the
7 United States Code, an educational organization described in
8 clause (ii) of subparagraph (A) of paragraph (1) of subsection (b)
9 of Section 170 of Title 26 of the United States Code, or other
10 nonprofit organization described in clause (vi) of subparagraph
11 (A) of paragraph (1) of subsection (b) of Section 170 of Title 26
12 of the United States Code that is organized and operated for
13 religious, charitable, or educational purposes, or a reproductive
14 health services facility, as defined in subdivision (h) of Section
15 423.1 of the Penal Code, or its administrative offices.
16 (b) No insurer issuing policies subject to this section shall
17 cancel or refuse to renew the policy, nor shall any premium be
18 excessive or unfairly discriminatory solely on the basis that one or
19 more claims has been made against the policy during the preceding
20 60 months for a loss that is the result of a hate crime committed
21 against the person or property of the insured, *or an*
22 *anti-reproductive-rights crime.*

(c) As it relates to this section, if determined by a law enforcement agency, a “hate crime” may include any of the following:

(1) By force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the other person’s race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics, ~~or because the other person is an employee, contractor, volunteer, patient, or is otherwise affiliated with a reproductive health services facility, as defined in subdivision (h) of Section 423.1 of the Penal Code, or its administrative offices.~~ However, the foregoing offense does not include speech alone, except upon a showing that the speech itself threatened violence against a specific person or group of persons and that the defendant had the apparent ability to carry out the threat.

(2) Knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, because of the other person’s race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics.

(d) *As it relates to this section, if determined by a law enforcement agency, ‘anti-reproductive-rights crime’ shall have the meaning set forth in subdivision (a) of Section 13776, and shall also include a violation of subdivision (e) of Section 423.2, if the crime results in a covered loss under a policy subject to this section.*

(e) Upon cancellation of or refusal to renew a policy subject to this section after an insured has submitted a claim to the insurer that is the result of a hate crime committed against the person or property of the insured, *or an anti-reproductive-rights crime*, the insurer shall report the cancellation or nonrenewal to the commissioner.

- 1 ~~(e)~~
2 (f) A violation of this section shall be an unfair practice subject
3 to Article 6.5 (commencing with Section 790) of Chapter 1 of
4 Division 2.
5 ~~(f)~~
6 (g) Nothing in this section shall prevent an insurer subject to
7 this section from taking any of the actions set forth in subdivision
8 (b) on the basis of criteria not otherwise made invalid by this
9 section or any other act, regulation, or law.

